



PLANNING COMMISSION

MINUTES

March 31, 2010

4:00 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Susan Spears, Secretary
Ricardo Rigual
Edward Whelan, III
Vic Ramoneda
Berkley Mitchell

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The March 31, 2010 Planning Commission meeting was called to order at 4:00 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- March 10, 2010 minutes were adopted/approved as submitted.

Mr. Mitchell recused himself from discussion and vote on item #4, SUP2010-02, due to conflict of interest. Although he is not currently doing business with the Silver Companies at this time, he has conducted business with them in the past and may do the same in the future.

UNFINISHED BUSINESS/ACTION ITEMS

4. **SUP2010-02:** Johnson Development Associates, Inc. (The Haven) – Special Use permit request in order to construct 232 Multi-family residential units for lease located off of Gordon Shelton Blvd. directly behind the existing Virginia Credit Union within the Celebrate Virginia South development area (TM-312-A-P6). The property is zoned PD-C, Planned Development-Commercial, which requires a special use permit in order to construct residential uses. The property is designated as Planned Development-Commercial on the Future Land Use Map found within the 2007 Comprehensive Plan.

Mr. Ocel presented the application. He said Johnson Development Associates of South Carolina is the applicant requesting a special use permit to construct 232 apartment units on approximately 13.46 acres of land that is located west of Gordon Shelton Blvd. in the Celebrate

Virginia South (CVS) development. Please see the color aerial plan showing the setting of the project within the surrounding area. The property is vacant and void of any mature vegetation

Mr. Ocel provided an update of questions posed to the applicants during the public hearing that was held on March 10, 2010.

Specifically, he said, that at the March 10th public hearing the Commission heard comments from three members of the public that all recommend approval of the special use permit. Commission members raised a number of comments in regard to the proposal that included:

1. Is there any other residential projects contemplated in Celebrate Virginia South?
2. Comparison of this project with others such as Cobblestone and Maury Commons.
3. What makes the units upscale?
4. Why is the project a gated community? Commission members noted that the Comprehensive Plan recommends against gated communities.
5. How many other similar residential projects by the applicant are located in high density commercial districts?
6. Projected rents.
7. Lack of pedestrian access points to outside the project.
8. Is any impact expected from the future toll road that will be constructed adjacent to this project?
9. Why was this particular fiscal impact analysis method chosen?
10. How will the fiscal impact analysis be affected if there are more children in the project than estimated?

Mr. Ocel noted that staff continues to review the fiscal impact analysis and pose questions to the applicant as the analysis contains many variables and assumptions that must happen for the stated outcome to occur. While the staff does not disagree with the methodology being used, the revenue and expenditure amounts must match the figures in the City's budget documents for the analysis to be correct.

Mr. Ocel said he has also discussed the project and its impact on the City school system with Bob Burch. Prior to the new high school and upper middle school being built a study was conducted to determine the number of school age children likely to be attending the schools into the future. One of the variables used to make this determination was a ratio of school age children to the number of bedrooms in a dwelling. It was estimated that .75 school age children would be generated per two bedroom units and one school age child per three bedroom units. The Haven project contains 110, two-bedroom unit's and 12 three bedroom units. This equates to an estimated 94 school age children living at the Havens when it is fully occupied. The fiscal impact analysis estimates that between 15-18 school age children will be living at the Haven when fully occupied. Staff has noted this to the applicant and requested that they address the discrepancy between the two numbers.

As a matter of background, the property is zoned PDC, Planned Development Commercial which permits the construction of residential units with the issuance of a special use permit. The PDC district regulations permit a density of 24 units per acre. A maximum of 10% of the total land area of the district may be developed for residential units. The CVS total land area equals 541 acres and 10% of this area is 54.1 acres. Therefore, the maximum allowable density in this area is equal to 24 units per acre. The project area under review encompasses 13.46 acres or 2.5% of the overall CVS land area. The project density is 17.25 units per acre. The only other residential component contemplated for CVS at this time is in the Kalahari project. There are a number (exact number undetermined at this time) of residential units that will be included in that project and based upon the above calculations; there is more than an adequate amount of land available to accommodate the residential component of the Kalahari project.

Mr. McAfee asked Mr. Ocel to summarize the impact on the schools.

Mr. Ocel said he had discussed the project and its impact on the City school system with Bob Burch. Prior to the new high school and upper middle school being built a study was conducted to determine the number of school age children likely to be attending the schools into the future. One of the variables used to make this determination was a ratio of school age children to the number of bedrooms in a dwelling. It was estimated that .75 school age children would be generated per two bedroom units and one school age child per three bedroom units. The Haven project contains 110, two-bedroom unit's and 12 three bedroom units. This equates to an estimated 94 school age children living at the Havens when it is fully occupied. The fiscal impact analysis estimates that between 15-18 school age children will be living at the Haven when fully occupied. Staff has noted this to the applicant and requested that they address the discrepancy between the two numbers.

Ms. Spears asked what factors were used in the study with Mr. Burch. For example, were the numbers based on the units being 1, 2 and 3 bedroom units? Was the fact that the applicants say these will be "upscale" units taken into consideration?

Mr. Rigual noted that the study was conducted in 2003 and asked if the estimates that were used at that time actually happened.

Mr. Ocel said he would ask Mr. Burch and get back to Mr. Rigual.

Mr. Rigual said he does not recall hearing of overcrowding at the schools to date.

Dr. Gratz noted that in the listed conditions in the staff report, there was no mention of ensuring that this development would not be a gated community, as per the Comprehensive Plan

Mr. Ocel indicated that it was an oversight and should have been included.

Dr. Gratz said then that there are currently 5 conditions listed and that there would be an additional condition, #6, which would state that this community will not be a gated community.

Mr. Ben Graves, Johnson Development Group, addressed questions on the staff report.

1. Is there any other residential projects contemplated in Celebrate Virginia?
Mr. Graves said that 55 acres of the overall development of Celebrate Virginia South has always been planned to include a residential component.
2. Comparison of his project with others such as Cobblestone and Maury Commons.
Mr. Graves said that this is a superior project at a reasonable price and that this project has already been taken through the engineering and architectural process.
3. What makes the units upscale?
Mr. Graves said the amenities of the project exceed those of other projects and the fact that the units are geared toward young professionals who want to be within walking distance of shops and restaurants makes the project completely unique.
4. Why is the project a gated community?
Mr. Graves noted that his particular project has important differences by design and will have pedestrian access. He said young women are attracted to this type of security.
5. How many other similar residential projects by the applicant are located in high-density commercial districts?
Mr. Graves said that there are no other developments like Central Park along the east coast and that Johnson Development looks for areas/places that offer these unique types of uses, within walking distance, which is what makes the project attractive and marketable.

6. Project rents.

Mr. Graves said one bedroom units would go for approximately 1,000, 2-bedrooms for approx 1,250, and 3-bedroom for approx. \$1,450.

Mr. Rigual said the project map that Commissioners were provided did not give a clear picture of what the applicants mean by the project being a gated community and asked the applicant if they could better explain how exactly the project is proposed to be laid out.

Mr. Graves approached Commissioners and indicated on the map they had provided where there would be two (2) gates "flanking" the entrance. He said the lodge would always be accessible to anyone wanting to enter there. He said the gates would be located on either side of the lodge and terminate at the first garage. He said the boundary of the property would not be fenced, as is the case with most gated communities.

Mr. Whelan asked if the roads inside of the project would be maintained by the project managers and that there would be no public access beyond the gate.

Mr. Graves said this was correct.

Ms. Spears asked if there are any other residential projects planned for this area.

Mr. Graves said there are no other residential projects planned at this time.

Ms. Spears asked what type of assurance the Commission could take into consideration that the applicants will actually build what they are proposing.

Mr. Graves said they have already submitted building permits and intend to follow the project build that they have proposed.

Ms. Spears said she believes that the applicants' explanation of the gates leading into the project makes sense but she wanted an explanation of vehicular access once again.

Mr. Graves said there would be gates flanking the lodge on either side and that vehicular access would be controlled at that point of entry into the residential project.

Mr. McAfee referenced the Eagle Village project and specifically the gated garage. He clarified that there are no roads into that project that are gated.

Mr. Ocel said this was correct and that the garage is gated and is for use by students and merchants of the Eagle Village Center.

Mr. McAfee asked the applicants to better explain the Fiscal Impact Study that had been provided to Commissioners.

Dr. Steven Fuller, Professor of Public Policy and George Mason University said that it appears the key element that is being brought up is regarding the amount of school-age children the development would generate. He said that although he believes the numbers by staff are a bit more than what the project will actually generate he said there are several factors that come into play that can better determine a more accurate number. He said it actually comes down to the type of unit. He gave several examples of actual "similar" projects in the City of Fairfax, Falls Church, and other northern Virginia localities.

Dr. Fuller said this particular project is attractive to older folks and that the numbers calculated by the School Board are not defensible. He said an example of 7 other jurisdictions in northern Virginia are not that high.

Dr. Fuller added that in full disclosure he must say that the child ratio figure was given to him by the developer.

Mr. McAfee said Fredericksburg is a very unique city and that Northern Virginia numbers are not usually accurate for the City and would prefer other comparables. He asked Dr. Fuller if he had any comparable statistics for the Richmond area, or cities more like Fredericksburg.

Dr. Fuller said he did not have those statistics at this time. He added that he included the City in the Northern Virginia calculations because the Census considers the City in the Northern Virginia area.

Mr. McAfee asked Dr. Fuller if he could please provide fiscal impact statistics for areas *around* Richmond and other areas more comparable to Fredericksburg.

Mr. McAfee noted that the City did not commission the Study and asked who paid for the study.

Dr. Fuller said the Silver Companies paid for the study.

Mr. Ramoneda asked about revenue generated for the City and voiced concern about the possible impact of school aged children on the City.

Mr. Whelan asked if similar projects by Johnson Development have covenants that limit the number of children.

Mr. Graves said that this would not be appropriate and would go against the Fair Housing guidelines.

Mr. Graves said he was concerned with the question as to who paid for the Fiscal Impact Study and wanted to make it clear that they had not influenced Dr. Fuller to any degree and that all they provided to him was raw data to be included in the study.

Dr. Gratz asked if there are other residential projects contemplated in this area.

Mr. Scott Little, Director of Development for Celebrate Virginia South, Silver Companies, said, as noted previously during the public hearing and earlier this evening, that the 54+ acres have always been contemplated as residential in this mixed use development. He said that when the market picks up that they hope to add more high quality residential uses to the area, but there is nothing planned at this time.

Dr. Gratz questioned that this development is a mixed-use development, as Mr. Little refers. He said other areas considered to be mixed use typically consist of a project containing commercial and residential uses in the same building(s), such as retail/commercial on the bottom level and residential uses on the top floor(s).

Mr. Little said his understanding of mixed-use projects simply means the development has a residential and a commercial component, not necessarily all in the same building but in the project as a whole.

Dr. Gratz asked if the applicants have any concern that the proposed toll road would impact this "upscale" development, with the potential of noise, pollution, etc.

Mr. Little said he addressed this during the public hearing and said the toll road will not impact the residential component and that he believes it would actually add value to those who choose to live there.

Ms. Spears asked Dr. Fuller to provide additional background of his expertise in developing the Fiscal Impact Study.

Dr. Fuller provided his career background.

Mr. McAfee thanked the applicants and Dr. Fuller for their expertise.

Mr. McAfee said the Commission still has a few questions that need answers and asked the consensus of Commissioners on action to be taken at this time.

Commissioners discussed the best action to be taken at this time.

Mr. Rigual made a motion to carry over this application until the April 14, 2010 meeting of the Planning in order to allow additional time for the applicants to provide information sought by the Commission.

Dr. Gratz seconded the motion.

Motion carried by a vote of 6 – 0, with Mr. Mitchell abstaining from the vote.

OTHER BUSINESS

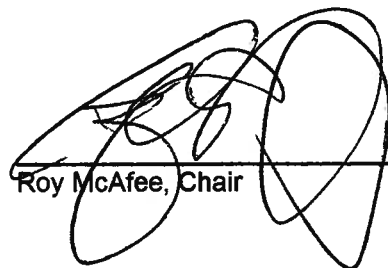
5. Planning Commissioner Comment

- None

6. Planning Director Comment

- Mr. Ocel noted that the April 14 meeting of the Planning Commission will have a fairly small agenda, which will include the Preservation Plan and the item heard this evening.
- Mr. Ocel said he continues to gather information regarding the relocation of Fire Station 1 and will schedule a work session on this issue in the very near future.

ADJOURNMENT



Roy McAfee, Chair